



# CONFIRMATION COPY

## CERTIFICATE OF FACSIMILE/MAILING PURSUANT TO 37 C.F.R. §1.8

I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office at (703) 872-9306 and that a confirmation copy is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendments, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

Date: June 22, 2004

By:

Nebarah A. Min

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#### PATENT

|             |   |                   |                    |
|-------------|---|-------------------|--------------------|
| Applicants: | Bimson, et al.  | Docket No.:       | 40655.0300         |
| Serial No.: | 09/769,924  | Examiner:         | Lashonda T. Jacobs |
| Filed:      | January 25, 2001  | Group Art Unit:   | 2157               |
| Title:      | CONTENT MANAGEMENT<br>APPLICATION FOR AN<br>INTERACTIVE ENVIRONMENT | Confirmation No.: | 5337               |

#### ***TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION***

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Technology Center 2100

Dear Commissioner:

American Express Travel Related Services Company, Inc., the owner of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Number 09/897,858, filed on July 2, 2001. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any

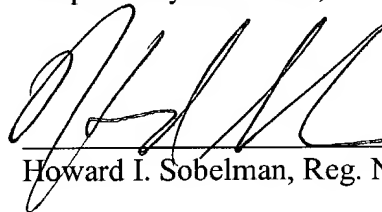
patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

As Applicant's attorney of record, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. **19-2814**. A duplicate copy of this sheet is enclosed.

Respectfully submitted,



Howard I. Sobelman, Reg. No. 39,038

Date: June 22, 2004

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